

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03 CV 12493 RCL

MELISSA SEPPI,

PLAINTIFF

VS.

MEZZANOTTE, LLC, et al

DEFENDANTS

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AFFIDAVIT PURSUANT TO M.G.L. CHAPTER 231 SECTION 60J

NOW COMES THE PLAINTIFF, MELISSA SEPPI AND PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 231 SECTION 60J ON INFORMATION AND BELIEF, DEPOSES AND SAYS:

1. I am the plaintiff in the above-entitled action.
2. I am now 20 years of age, born on August 3, 1983. On November 15, 2002 I was nineteen years old.
3. My friend, MEGHAN PUTNAM, was born on March 11, 1984 and on November 15, 2002 was eighteen years old.
4. On November 15, 2002 MEGHAN PUTNAM and I drove from Nashua, New Hampshire to Vision Nightclub in Saugus Massachusetts.
5. VISION NIGHTCLUB is a bar that serves alcoholic beverages and has dancing. VISION NIGHTCLUB allows both drinking age adults and non-drinking age adults entrance to the club at the same times.
6. VISION NIGHTCLUB would stamp a "V" on the hand of those people under 21 and would give a wrist bracelet to those of legal drinking age.
7. MEGHAN PUTNAM and I were at VISION NIGHTCLUB approximately three to four times prior to November 15, 2002 and were there the evening before.

8. Each time that MEGHAN PUTNAM and I went to VISION NIGHTCLUB we were, despite being underage, able to obtain and/ or buy alcoholic beverages, which we did.
9. On November 15, 2002, JOSHUA SPITALERI, a then twenty year old male and a part time disc jockey at VISION NIGHTCLUB called MEGHAN PUTNAM and asked her to come to the club.
10. MEGHAN PUTNAM had met JOSHUA SPITALERI on Halloween of 2002 at VISION NIGHTCLUB.
11. MEGHAN PUTNAM asked me if I wanted to go and I told her that I had worked all day and would go only if she drove home as I was exhausted. She agreed.
12. I drove my car to VISION NIGHTCLUB with MEGHAN PUTNAM as a passenger.
13. While in route, JOSHUA SPITALERI, called my cell phone to find out when we would be arriving, so he could meet us outside.
14. When MEGHAN PUTNAM and I arrived at VISION NIGHTCLUB at approximately 12:15 to 12:30 AM on November 16, 2002, JOSHUA SPITALERI met us outside in the parking lot.
15. There was an employee of VISION NIGHTCLUB checking I.D.s at the front door. JOSHUA SPITALERI told him that I was 21 and he gave me a bracelet. JOSHUA SPITALERI told him that MEGHAN PUTNAM was eighteen and he stamped her right hand with a "V" mark. The employee gave JOSHUA SPITALERI a bracelet as well.
16. The employee did not check any of our I.D.s.
17. Neither MEGHAN PUTNAM nor I had consumed any alcoholic beverages before we got to VISION NIGHTCLUB.
18. Once inside, JOSHUA SPITALERI, obtained an orange VISION NIGHTCLUB wrist bracelet for MEGHAN PUTNAM.
19. MEGHAN PUTNAM was able to obtain alcoholic beverages, despite the fact that she still had the underage stamp on her hand.
20. From the time that we entered the club, at approximately 12:30 AM until we left at approximately 2 AM, MEGHAN PUTNAM was served and furnished three Long

Island Iced Teas, an alcoholic beverage containing in each drink a mix of Vodka, Rum, Gin, Triple Sec and Tequila.

21. MEGHAN PUTNAM and I left VISION NIGHTCLUB at approximately 2 AM on November 16, 2002 and MEGHAN PUTNAM agreed to drive my car back to Nashua as she promised.
22. MEGHAN PUTNAM drove out of the parking lot, turned right onto Route 1 north and exited onto Route 128 south. At approximately 2:15 AM on November 16, 2002, MEGHAN PUTNAM struck a jersey barrier while driving my car in the left hand passing lane of route 128 south in Wakefield.
23. As a result of the car striking the jersey barrier, I was thrown from the car out onto the third travel lane of route 128.
24. While lying in the road I was immediately run over by another vehicle that was traveling south on route 128.
25. The State Police responded to the scene.
26. Trooper Forni of the Massachusetts State Police, who was on scene, observed an orange bracelet on MEGHAN PUTNAM right wrist as well as a "V" stamp on her right hand. (See State Police Report attached hereto as Exhibit "A").
27. MEGHAN PUTNAM admitted to Trooper Forni that JOSHUA SPITALERI gave her a bracelet on the night of the accident (See State Police Report attached hereto as Exhibit "A").
28. MEGHAN PUTNAM was taken by ambulance to the Lahey Clinic in Burlington.
29. The hospital took from MEGHAN PUTNAM a blood alcohol level, which was significantly higher than the legal limit.
30. The Massachusetts State Police, Collision Analysis Reconstruction Section, performed an accident analysis and concluded that MEGHAN PUTNAM was operating the vehicle while her ability to operate the vehicle was impaired due to alcohol consumption and that MEGHAN PUTNAM operated the vehicle at excessive speed (See the Report of the Massachusetts State Police, Collision Analysis Reconstruction Section attached hereto as Exhibit "B").
31. The Massachusetts State Police, Collision Analysis Reconstruction Section, performed an accident analysis and concluded that the proximate cause of the

crash was MEGHAN PUTNAM'S reckless operation of the vehicle while under the influence of alcohol.

32. MEGHAN PUTNAM has been criminally charged with operating under the influence of intoxicating liquor causing serious bodily injury.

33. MEGHAN PUTNAM criminal matter is pending in the Malden District Court.

34. VISION NIGHTCLUB, by and through its agents servants and employees knew or reasonably should have known that it was furnishing alcoholic beverages in circumstances where there was a strong likelihood that liquor would be consumed by minors.

Signed under the pains and penalties of perjury this 18th day of February 2004.


Melissa Seppi

MELISSA SEPPI,
By her attorney,



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Dated: February 18, 2004

CERTIFICATE OF SERVICE

I, Edward F. Wallace, Esq., hereby certify that on this date the foregoing document was served upon all interested parties by mailing a true copy thereof, priority mail, postage prepaid, directed to their counsels of record:

Kevin G. Kenneally
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